IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

OP.No. 35610 of 2002(L)

PETITIONER:

1. THE KANNUR CO-OPERATIVE HOSPITAL SOCIETY LTD NO.C 834, REPRESENTED BY ITS SECRETARY.

2. THE PRESIDENT, KANNUR CO-OPERATIVE HOSPITAL, SOCIETY LTD.NO.C 834, THALAP, KANNUR.

BY ADV. SRI.P.V.SURENDRANATH

RESPONDENTS:

1. P.K.SREEVALSAM, THEJUS, PALLIKKUNNU, KANNUR.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KANNUR.

3. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, SECRETARIAT, TRIVANDRUM.

4. THE JOINT SECRETARY TO GOVERNMENT, CO-OPERATION (C) DEPARTMENT, TRIVANDRUM.

5. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER
SRI.B.S.SWATHI KUMAR
SRI.V.G.ARUN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1:TRUE COPY OF THE ENQUIRY REPORT SUBMITTED BY THE ENQUIRY OFFICER.

EXT.P2:TRUE COPY OF THE RESOLUTION DATED 4.6.99 PASSED BY THE DISCIPLINARY SUB COMMITTEE OF THE 1ST PETITIONER.

EXT.P3:TRUE COPY OF THE ORDER DATED 29.7.99 PASSED BY THE BOARD OF MANAGEMENT OF THE 1ST PETITIONER.

EXT.P4:TRUE COPY OF THE ORDER NO.4964/01/AEL/K.Dis. DT.21.5.02 PASSED BY THE 2ND RESPONDENT.

EXT.P5:TRUE COPY OF THE LIST OF DOCUMENTS AND FILES WHICH WERE SUBMITTED BY THE 1ST PETITIONER BEFORE THE ENQUIRY OFFICER.

EXT.P6:TRUE COPY OF THE G.O(Rt) NO.440/02/Co.op. DATED TRIVANDRUM 11.10.02.

EXT.P7:TRUE COPY OF THE COMMUNICATION DATED 12.1.07.

EXT.P8:TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD EVIDENCING RECEIPT OF COMMUNICATION BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS

EXT.R1(a):TRUE COPY OF THE EXPLANATION DT.3.9.97.

EXT.R1(b):TRUE COPY OF THE PETITION FILED ON 12.12.97.

EXT.R1(c):TRUE COPY OF THE PETITION FILED ON 15.12.97.

EXT.R1(d):TRUE COPY OF THE PETITION DT.27.01.1998.

EXT.R1(e):TRUE COPY OF THE APPLICATION DT.23.2.98.

EXT.R1(f):TRUE COPY OF THE APPLICATION DT.25.6.98.

EXT.R1(g):TRUE COPY OF THE APPLICATION DT.19.10.98.

EXT.R1(h):TRUE COPY OF THE ORDER NO.3682/98/EL DT.10.8.98.

EXT.R1(i):TRUE COPY OF THE LIST OF WITNESSES DT.6.1.99.

EXT.R1(j):TRUE COPY OF THE REPLY TO THE SHOWCAUSE NOTICE DT.3.5.99.

EXT.R1(k):TRUE COPY OF THE PETITION UNDER SEC.176 FILED BEFORE THE JOINT REGISTRAR DATED NIL.

EXT.R1(l):TRUE COPY OF THE SHOWCAUSE NOTICE NO.17/99 DT.13.4.99.

EXT.R1(m):TRUE COPY OF THE LETTER FORWARDING THE ENQUIRY REPORT DT.8.5.99.

EXT.R1(n):TRUE COPY OF THE EXPLANATION DT.28.5.99.

/TRUE COPY/

P.A TO JUDGE

OP.No. 35610 of 2002(L)

ORDER

IN C.M.P NO.60110 OF 2002

DISMISSED.

SD/- (KURIAN JOSEPH, JUDGE)

17.08.07.

/TRUE COPY/

P.A TO JUDGE

KURIAN JOSEPH, J.

O.P. NO. 35610 OF 2002

Dated this the 17th day of August, 2007.

J U D G M E N T

This original petition is filed challenging the orders passed by respondents 2 and 3 with regard to the disciplinary action initiated against the first respondent.

2. It is submitted that during the pendency of the original petition, the disputes have been amicably settled between the first petitioner-Society and first respondent and the first respondent is now employed elsewhere.

3. Learned counsel for the first respondent submits that in principle the disputes have been settled and the surviving grievance is only with regard to the quantification of the amounts due to the first respondent. If there is any dispute with regard to the amounts as per the settlement, it will be open to the first respondent to point out the same before the second respondent, in which case, the second respondent will take appropriate action to disburse the amounts as per the settlement to the first respondent, within a period of another one month.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp